

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION FOR WAIVER OF THE REQUIREMENT OF OUTLET WORKS FOR
SURFACE WATER APPROPRIATION A-11205
WATER DIVISION 1-F

Background

1. Surface water appropriation A-11205 is currently held by Nemaha Natural Resources District (District).
2. On June 20, 2008, the District filed Petition for Waiver of the Requirement of Outlet Works, DWV-1513, and plan number 9913A, for appropriation A-11205.

Order

IT IS HEREBY ORDERED:

1. Petition for Waiver of the Requirement of Outlet Works, DWV-1513, and plan number 9913A for appropriation A-11205 are APPROVED.
2. This waiver does not relieve the owner from the responsibility to pass a portion of the reservoir inflow by some method for downstream appropriators should there be a need for water administration; or if water should be required for livestock needs, unless the appropriator is a political subdivision. The Department may rescind the waiver and require installation of appropriate outlet works at a later date if it is determined that the responsibility to pass inflows is not being met or cannot be met by another method.
3. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following.
 - A. Notify the Department of any change in ownership or address.
 - B. Receive approval prior to taking any action that changes the storage capacity of this reservoir, the specifications, plan P-9913A or the type of appropriation.
 - C. Construct, operate and maintain the structure in accordance with Section 46-241 RSS and the Safety of Dams and Reservoirs Act, Sections 46-1601 to 46-1670 RSS.
 - D. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
 - E. Release a portion of the reservoir inflows for livestock where required, unless appropriator is a political subdivision.

Additional Information

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for five consecutive years may result in cancellation of the appropriation.

DEPARTMENT OF NATURAL RESOURCES

November 24 , 2008

/S/
Brian P. Dunnigan, P.E., Acting Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this Approval may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th Floor State Office Building, Lincoln, NE 68509-4676) within 30 days of the date of the Approval and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website. Copies of this Order and plan number 9913A were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, plan number 9913A and Construction Certification Form for Dams were mailed on November _____, 2008, to the following:

Nemaha Natural Resources District
62161 Highway 136
Tecumseh, NE 68450